

SECOND REGULAR SESSION

SENATE BILL NO. 896

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Read 1st time January 18, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4081S.02I

AN ACT

To repeal sections 302.130 and 302.178, RSMo, and to enact in lieu thereof two new sections relating to the graduated driver's licensing system, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 302.130 and 302.178, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 302.130 and 302.178, to
3 read as follows:

302.130. 1. Any person at least fifteen years of age who, except for age
2 or lack of instruction in operating a motor vehicle, would otherwise be qualified
3 to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the
4 director shall issue a temporary instruction permit entitling the applicant, while
5 having such permit in the applicant's immediate possession, to drive a motor
6 vehicle of the appropriate class upon the highways for a period of twelve months,
7 but any such person, except when operating a motorcycle or motortricycle, must
8 be accompanied by a licensed operator for the type of motor vehicle being
9 operated who is actually occupying a seat beside the driver for the purpose of
10 giving instruction in driving the motor vehicle, who is at least twenty-one years
11 of age, and in the case of any driver under sixteen years of age, the licensed
12 operator occupying the seat beside the driver shall be a grandparent, parent,
13 guardian, a driver training instructor holding a valid driver education
14 endorsement on a teaching certificate issued by the department of elementary and
15 secondary education or a qualified instructor of a private drivers' education
16 program who has a valid driver's license. [Beginning January 1, 2001,] An
17 applicant for a temporary instruction permit shall successfully complete a vision

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 test and a test of the applicant's ability to understand highway signs which
19 regulate, warn or direct traffic and practical knowledge of the traffic laws of this
20 state, pursuant to section 302.173. In addition, beginning January 1, [2001]
21 **2007**, no permit shall be granted pursuant to this subsection unless a parent or
22 legal guardian gives written permission by signing the application and in so
23 signing, state they, or their designee as set forth in subsection 2 of this section,
24 will provide a minimum of [twenty] **forty** hours of behind-the-wheel driving
25 instruction, **including a minimum of ten hours of behind-the-wheel**
26 **driving instruction that occurs during the nighttime hours falling**
27 **between sunset and sunrise.** The [twenty] **forty** hours of behind-the-wheel
28 driving instruction that is completed pursuant to this subsection may include any
29 time that the holder of an instruction permit has spent operating a motor vehicle
30 in a driver training program taught by a driver training instructor holding a valid
31 driver education endorsement on a teaching certificate issued by the department
32 of elementary and secondary education or by a qualified instructor of a private
33 drivers' education program. If the applicant for a permit is enrolled in a federal
34 residential job training program, the instructor, as defined in subsection 5 of this
35 section, is authorized to sign the application stating that the applicant will
36 receive the behind-the-wheel driving instruction required by this section.

37 2. In the event the parent, grandparent or guardian of the person under
38 sixteen years of age has a physical disability which prohibits or disqualifies said
39 parent, grandparent or guardian from being a qualified licensed operator
40 pursuant to this section, said parent, grandparent or guardian may designate a
41 maximum of two individuals authorized to accompany the applicant for the
42 purpose of giving instruction in driving the motor vehicle. An authorized
43 designee must be a licensed operator for the type of motor vehicle being operated
44 and have attained twenty-one years of age. At least one of the designees must
45 occupy the seat beside the applicant while giving instruction in driving the motor
46 vehicle. The name of the authorized designees must be provided to the
47 department of revenue by the parent, grandparent or guardian at the time of
48 application for the temporary instruction permit. The name of each authorized
49 designee shall be printed on the temporary instruction permit, however, the
50 director may delay the time at which permits are printed bearing such names
51 until the inventories of blank permits and related forms existing on August 28,
52 1998, are exhausted.

53 3. The director, upon proper application on a form prescribed by the

54 director, in his or her discretion, may issue a restricted instruction permit
55 effective for a school year or more restricted period to an applicant who is
56 enrolled in a high school driver training program taught by a driver training
57 instructor holding a valid driver education endorsement on a teaching certificate
58 issued by the state department of elementary and secondary education even
59 though the applicant has not reached the age of sixteen years but has passed the
60 age of fifteen years. Such instruction permit shall entitle the applicant, when the
61 applicant has such permit in his or her immediate possession, to operate a motor
62 vehicle on the highways, but only when a driver training instructor holding a
63 valid driver education endorsement on a teaching certificate issued by the state
64 department of elementary and secondary education is occupying a seat beside the
65 driver.

66 4. The director, in his or her discretion, may issue a temporary driver's
67 permit to an applicant who is otherwise qualified for a license permitting the
68 applicant to operate a motor vehicle while the director is completing the director's
69 investigation and determination of all facts relative to such applicant's rights to
70 receive a license. Such permit must be in the applicant's immediate possession
71 while operating a motor vehicle, and it shall be invalid when the applicant's
72 license has been issued or for good cause has been refused.

73 5. In the event that the applicant for a temporary instruction permit
74 described in subsection 1 of this section is a participant in a federal residential
75 job training program, the permittee may operate a motor vehicle accompanied by
76 a driver training instructor who holds a valid driver education endorsement
77 issued by the department of elementary and secondary education and a valid
78 driver's license.

79 6. A person at least fifteen years of age may operate a motor vehicle as
80 part of a driver training program taught by a driver training instructor holding
81 a valid driver education endorsement on a teaching certificate issued by the
82 department of elementary and secondary education or a qualified instructor of a
83 private drivers' education program.

84 7. Beginning January 1, 2003, the director shall issue with every
85 temporary instruction permit issued pursuant to subsection 1 of this section a
86 sticker or sign bearing the words "PERMIT DRIVER". The design and size of
87 such sticker or sign shall be determined by the director by regulation. Every
88 applicant issued a temporary instruction permit and sticker on or after January
89 1, 2003, may display or affix the sticker or sign on the rear window of the motor

90 vehicle. Such sticker or sign may be displayed on the rear window of the motor
91 vehicle whenever the holder of the instruction permit operates a motor vehicle
92 during his or her temporary permit licensure period.

93 8. Beginning July 1, 2005, the director shall verify that an applicant for
94 an instruction permit issued under this section is lawfully present in the United
95 States before accepting the application. The director shall not issue an
96 instruction permit for a period that exceeds an applicant's lawful presence in the
97 United States. The director may establish procedures to verify the lawful
98 presence of the applicant and establish the duration of any permit issued under
99 this section.

100 9. The director may adopt rules and regulations necessary to carry out the
101 provisions of this section.

302.178. 1. [Beginning January 1, 2001,] Any person between the ages
2 of sixteen and eighteen years who is qualified to obtain a license pursuant to
3 sections 302.010 to 302.340 may apply for, and the director shall issue, an
4 intermediate driver's license entitling the applicant, while having such license in
5 his or her possession, to operate a motor vehicle of the appropriate class upon the
6 highways of this state in conjunction with the requirements of this section. An
7 intermediate driver's license shall be readily distinguishable from a license issued
8 to those over the age of eighteen. All applicants for an intermediate driver's
9 license shall:

10 (1) Successfully complete the examination required by section 302.173;

11 (2) Pay the fee required by subsection 3 of this section;

12 (3) Have had a temporary instruction permit issued pursuant to
13 subsection 1 of section 302.130 for at least a six-month period or a valid license
14 from another state; and

15 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a
16 participant in a federal residential job training program, a driving instructor
17 employed by a federal residential job training program, sign the application
18 stating that the applicant has completed at least [twenty] **forty** hours of
19 supervised driving experience under a temporary instruction permit issued
20 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated
21 minor, the person over twenty-one years of age who supervised such driving. For
22 purposes of this section, the term "emancipated minor" means a person who is at
23 least sixteen years of age, but less than eighteen years of age, who:

24 (a) Marries with the consent of the legal custodial parent or legal

25 guardian pursuant to section 451.080, RSMo;

26 (b) Has been declared emancipated by a court of competent jurisdiction;

27 (c) Enters active duty in the armed forces;

28 (d) Has written consent to the emancipation from the custodial parent or
29 legal guardian; or

30 (e) Through employment or other means provides for such person's own
31 food, shelter and other cost-of-living expenses;

32 (5) Have had no alcohol-related enforcement contacts as defined in section
33 302.525 during the preceding twelve months; and

34 (6) Have no nonalcoholic traffic convictions for which points are assessed
35 pursuant to section 302.302, within the preceding six months.

36 2. An intermediate driver's license grants the licensee the same privileges
37 to operate that classification of motor vehicle as a license issued pursuant to
38 section 302.177, except that no person shall operate a motor vehicle on the
39 highways of this state under such an intermediate driver's license between the
40 hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in
41 subsection 1 of section 302.130; except the licensee may operate a motor vehicle
42 without being accompanied if the travel is to or from a school or educational
43 program or activity, a regular place of employment or in emergency situations as
44 defined by the director by regulation.

45 3. Each intermediate driver's license shall be restricted by requiring that
46 the driver and all passengers in the licensee's vehicle wear safety belts at all
47 times. This safety belt restriction shall not apply to a person operating a
48 motorcycle. **For the first six months after issuance of the intermediate**
49 **driver's license, the holder of the license shall not operate a motor**
50 **vehicle with more than one passenger who is under the age of nineteen**
51 **who is not a member of the holder's immediate family. As used in this**
52 **subsection, an intermediate driver's license holder's immediate family**
53 **shall include brothers, sisters, stepbrothers or stepsisters of the driver,**
54 **including adopted or foster children residing in the same household of**
55 **the intermediate driver's license holder. After the expiration of the**
56 **first six months, the holder of an intermediate driver's license shall not**
57 **operate a motor vehicle with more than three passengers who are**
58 **under nineteen years of age and who are not members of the holder's**
59 **immediate family.**

60 [3.] 4. Notwithstanding the provisions of section 302.177 to the contrary,

61 the fee for an intermediate driver's license shall be five dollars and such license
62 shall be valid for a period of two years.

63 [4.] 5. Any intermediate driver's licensee accumulating six or more points
64 in a twelve-month period may be required to participate in and successfully
65 complete a driver-improvement program approved by the director of the
66 department of public safety. The driver-improvement program ordered by the
67 director of revenue shall not be used in lieu of point assessment.

68 [5.] 6. (1) An intermediate driver's licensee who has, for the preceding
69 twelve-month period, had no alcohol-related enforcement contacts, as defined in
70 section 302.525 and no traffic convictions for which points are assessed, upon
71 reaching the age of eighteen years may apply for and receive without further
72 examination, other than a vision test as prescribed by section 302.173, a license
73 issued pursuant to this chapter granting full driving privileges. Such person
74 shall pay the required fee for such license as prescribed in section 302.177.

75 (2) If an intermediate driver's license expires on a Saturday, Sunday, or
76 legal holiday, such license shall remain valid for the five business days
77 immediately following the expiration date. In no case shall a licensee whose
78 intermediate driver's license expires on a Saturday, Sunday, or legal holiday be
79 guilty of an offense of driving with an expired or invalid driver's license if such
80 offense occurred within five business days immediately following an expiration
81 date that occurs on a Saturday, Sunday, or legal holiday.

82 (3) The director of revenue shall deny an application for a full driver's
83 license until the person has had no traffic convictions for which points are
84 assessed for a period of twelve months prior to the date of application for license
85 or until the person is eligible to apply for a six-year driver's license as provided
86 for in section 302.177, provided the applicant is otherwise eligible for full driving
87 privileges. An intermediate driver's license shall expire when the licensee is
88 eligible and receives a full driver's license as prescribed in subdivision (1) of this
89 section.

90 [6.] 7. No person upon reaching the age of eighteen years whose
91 intermediate driver's license and driving privilege is denied, suspended, canceled
92 or revoked in this state or any other state, for any reason may apply for a full
93 driver's license until such license or driving privilege is fully reinstated. Any
94 such person whose intermediate driver's license has been revoked pursuant to the
95 provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of
96 the revocation from the director, pass the complete driver examination, apply for

97 a new license, and pay the proper fee before again operating a motor vehicle upon
98 the highways of this state.

99 [7.] 8. A person shall be exempt from the intermediate licensing
100 requirements if the person has reached the age of eighteen years and meets all
101 other licensing requirements.

102 [8.] 9. Any person who violates any of the provisions of this
103 section relating to intermediate drivers' licenses or the provisions of
104 section 302.130 relating to temporary instruction permits is guilty of an
105 infraction, and no points shall be assessed to his or her driving record
106 for any such violation.

107 10. Any rule or portion of a rule, as that term is defined in section
108 536.010, RSMo, that is created under the authority delegated in this section shall
109 become effective only if it complies with and is subject to all of the provisions of
110 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
111 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
113 date or to disapprove and annul a rule are subsequently held unconstitutional,
114 then the grant of rulemaking authority and any rule proposed or adopted after
115 August 28, 2000, shall be invalid and void.

Section B. The repeal and reenactment of sections 302.130 and 302.178
2 shall become effective January 1, 2007.

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